

Minutes of the Board of Adjustment meeting held on Monday, December 14, 2009, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Wendell Coombs, Chair
Jonathan Russell
Rosi Haidenthaller
Chad Wilkinson, Community Development Planner
G.L. Critchfield
Citizens

Excused: Joyce McStotts, Vice-Chair
Connie Howard

A staff review meeting was held where the Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

APPROVAL OF MINUTES

Wendell Coombs asked for additions or corrections to the minutes of October 12, 2009. Rosi Haidenthaller made a motion to approve the minutes as written. Jonathan Russell seconded the motion.

Voice vote was taken. Minutes approved 3-0.

Mr. Coombs explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1395–LARRY H. MILLER CHEVROLET–5500 South State–Project #09-100

Mr. Coombs stated that upon closer review of the zoning map, it has been determined that Larry H. Miller Chevrolet doesn't need to obtain a variance. He advised that this agenda item is canceled.

CASE #1394–CHAD WOOLLEY–331, 341 & 347 East 5300 South–Project #09-99

Chad Woolley was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a variance to corner lot setback requirements for one lot and corner lot width for two lots. He stated that the property is located in a proposed subdivision on 5300 South and that this variance request applies to three properties addressed 331, 341 and 347 East. He said that the zoning is R-1-8 and that there is a large area of open space zoning, which is a county park, just to the north of this site. Mr. Wilkinson stated that this variance request was submitted in conjunction with a subdivision request that will go to the Planning Commission. He said that there is a large undeveloped area at the rear of these properties, and that each lot is close to .5 acre for a total parcel size of 1.34 acres. He stated that Murray City Code Section 17.100.050 requires that a corner lot in an R-1-8 zone have a minimum width of 90 feet. Section 17.100.80 requires a minimum corner lot side yard depth of 20 feet. Mr.

Wilkinson stated that the residential infill standards of the ordinance allows for smaller setbacks and different street configurations in order to efficiently use land within the City. He said that one purpose of the standard is to address development of property where back lots have large buildable areas for reasonable development. Mr. Wilkinson stated that street modifications must be approved by the City Engineer and Planning Commission. He explained that because the Planning Commission has not made a determination on this subdivision, two options are being presented tonight related to the variance request in order to cover the possible outcomes.

Mr. Wilkinson stated that there is a unique circumstance attached to the properties that do not generally apply to other properties in the district. He stated that the three lots are currently nonconforming in relation to the lot width standards of the R-1-8 district, which requires an 80 foot width. He said that the subdivision proposal would create five lots from the three current properties, and in order to do so the applicant will require a variance for the corner lot width requirement. He said that because these are long narrow lots there are not many options to reconfigure the subdivision. He stated that option A would create a 66 foot width, which staff doesn't believe meets the intention of the General Plan for a residential infill area. Mr. Wilkinson stated that option B would allow for a 75.5 foot lot width, which is only 4.5 feet narrower than the normal lot width standard. He stated that the corner lot would be 80 feet in width, which is 10 feet less than the usual corner lot requirement. He said that the two variances would be for a 10 foot width on one corner lot and 14.5 feet for the other corner lot. Mr. Wilkinson stated that the applicant is also requesting an 18 foot setback, which is a 2 foot variance from the 20 foot setback standard for a corner lot. Staff believes the 2 foot variance is a reasonable request. He said that staff is recommending approval of option B, which includes the 18 foot side yard setback on the corner lot, an allowance of 75.5 feet width on the west corner lot and 80 feet width on the east corner lot.

Mr. Coombs asked what will happen if the Planning Commission approves option A, but the Board of Adjustment has granted variances based on option B. Mr. Wilkinson replied that the applicant would not be allowed to proceed at that point, and that they would have to return to the Board of Adjustment to request additional variance. He said that staff would not recommend approval of the additional variance.

Chad Woolley, 347 East 5300 South, stated that he came to the Board of Adjustment approximately five years ago for a variance request on this same lot. He said that at that time he only owned two of the existing homes and that the variance request was to build a road in between the homes in order to access the area at the rear. He stated that the project was started but as it progressed he didn't like how compressed the lots were and that the current subdivision design is much better. Mr. Woolley stated that he has conformed to all of the requirements but could not find a way to conform to the lot width standards. He said that the lot that he lives on is currently 60 feet and that it will be widened to 80 feet as it is a corner lot. He stated that the other corner lot will be widened from 75 feet to 75.5. Mr. Woolley stated that he thinks this proposal will be a great improvement to the area.

Rosi Haidenthaller asked if Mr. Woolley was going to develop the subdivision himself or if he was going to hire a developer. Mr. Woolley stated that he has a general contractor but there aren't any finalized plans at this point. He said that his first step is getting these

variances approved. He stated that he has lived at this location for fifteen years and loves this area and wants to stay here. Jonathan Russell asked what size homes he plans to build on these lots. Mr. Woolley said that his proposed home is a 1900 square foot rambler that will have a basement. He stated that there is another home planned that is roughly 60 x 60 feet and is a two-story. Mr. Russell asked if he agrees with option B. Mr. Woolley stated that option A wouldn't work and he wouldn't be able to build the subdivision if that is the option that is approved. Mr. Russell asked if the existing home on the middle lot will be removed. Mr. Woolley stated that it will be demolished as it is an old home and would have to be rebuilt if it remained because it is not in good shape. Ms. Haidenthaler asked Mr. Woolley if he owned all three of these parcels. He replied that he currently owns two of the properties and Brian Rose owns the other one.

Bill Forsgren stated that he owns a duplex on the corner of Alpine and 5300 South. He said that he has some concerns regarding the height of the homes that are proposed. He stated that there have been some poor home design decisions made in the same area and that they detract from the neighborhood. Mr. Forsgren stated that using the property for residential development is reasonable but that there needs to be caution in considering what type of homes should be built. Mr. Coombs stated that the homes will have to meet code. Mr. Forsgren stated that he doesn't think two story homes are appropriate in an area where none existed previously.

Brian Rose stated that he appreciates the work that staff has done regarding this application. He said that he is a lifelong resident of the Murray area and that he wants to continue raising his family here. He stated that there are limited housing options in the area. He said that he plans to build a modest home that will conform to the zoning codes and the community standards. Mr. Rose stated that he doesn't want to build a giant home that intrudes upon his neighbors in any way. He said that option B is the best plan for the area and that he has invested a lot of time and effort into the design.

Jonathan Russell made a motion to grant a variance based on option B, as proposed by staff, as these properties meet the established criteria for hardships. The approved variance will allow for a corner lot side yard setback of 18 feet and lot width of 75.5 feet for the corner lot on the west, and 80 feet lot width for the corner lot on the east. Seconded by Rosie Haidenthaler.

Call vote recorded by Chad Wilkinson.

 A Mr. Russell
 A Ms. Haidenthaler
 A Mr. Coombs

Motion passed 3-0.

Ms. Haidenthaler made a motion to approve the Findings of Fact as written for case #1394. Seconded by Jonathan Russell.

Call vote recorded by Chad Wilkinson.

 A Ms. Haidenthaler
 A Mr. Russell

A Mr. Coombs

Motion passed 3-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned.

Chad Wilkinson
Community Development Planner, AICP